

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 1-4, 6, 8-18, 79, 82-98 and 101-103) is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants would like to thank the Examiner for his indication that claims 82-98 and 101 are allowed and that claims 11-13, 18, 79, 102 and 103 are objected to but would be allowable if rewritten in independent form to include all limitations of the claims from which they depend. Applicants have amended claims 11, 79 and 102 to include the limitations of claim 1 from which they depend.

Initially, the Examiner objected to claim 82 because it did not claim the combination of a scaffold and metal device in the preamble while in lines 4-5 Applicants recited the medical devices as part of the invention. In order to clarify claim 82, Applicants have amended the claim to require the porous metal scaffold form at least part of an implantable medical device. Applicants believe that this preamble recites the combination suggested by the Examiner.

The Examiner went on to reject claims 1-4 and 6 as anticipated by Park et al. U.S. Patent 5,441,919 and then rejected claims 8-10 and 14-17 as being obvious thereover. Applicants have amended claim 1 to specify the pore size range set forth in paragraph 20 of the specification for the at least one layer metal particles. The claimed pore size range of between about 20 to about 100 microns is not taught or suggested by Park et al. Furthermore, Applicants have amended claim 1 to require that the bonding be accomplished by vacuum sintering. Park et al. is directed to heating a coated precursor to above the melting point of the metal in the presence of an oxidant to form an oxidation reaction product. As discussed in paragraph 131 of the application, Applicants' sintering process takes

place in a vacuum with particles at least twice as large as those taught in Park et al. Examples 3-10 of Park et al. deal with metal particle sizes of up to 10 microns and requires an oxidation reaction to form a metal oxide coating from the metal particles. Park et al. does not teach or suggest vacuum sintering in which at least one layer of larger metal particles is bonded on to the webs in the absence of oxygen in high concentrations such that the metal retains its original non-oxidized character.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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